

Before the Board of Zoning Adjustment, D. C.

Application No. 11862 of Clerics of Saint Viator, pursuant to Section 8207.2 of the Zoning Regulations for a special exception to permit teaching and seminar facilities (religious adult education) at the premises 1212 Otis Street, N. E., in the R-1-B Zone, lot 819, Square 3926.

HEARING DATE: March 31, 1975  
DECISION FROM BENCH : March 31, 1975

ORDER

Upon consideration of applicant's Motion, the Board finds that the impediment which did not allow the hearing of this case has now been removed and therefore, the Board should reconsider its decision of March 31, 1975.

Accordingly, it is ordered that the applicant be granted a hearing in the above matter.

VOTE: 5-0

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: James E. Miller  
JAMES E. MILLER,  
Secretary to the Board

FINAL DATE OF ORDER: 8/12/75

Before the Board of Zoning Adjustment, D. C.

Application No. 11862, of Clerics of St. Viator, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under paragraph 3101.42 to permit use of the building for teaching and seminar facilities in the R-1-B District at the premises 1212 Otis Street, N. E. (Square 3924, Lot 819.)

HEARING DATE: March 31, 1976

DECISION DATE: March 31, 1976 (From the Bench)

FINDINGS OF FACT:

1. The property is located in an R-1-B District.
2. The property is improved with a three (3) story brick building containing approximately 29,000 square feet which was used by the Clerics of St. Viator, a religious order of the Catholic Church, as a school for the training of students for the Catholic priesthood. The building contains 48 dwelling units, including 9 double rooms and 39 single rooms. The building also contains kitchen facilities, classrooms, library, chapel, etc.
3. The applicant proposes to use the facilities for teaching and seminar facilities to be operated by the Order; Ecumenical. The staff will consist of twelve people. There are three specific activities to be conducted on the premises, as follows:
  - a. The Ecumenical Institute, involving lay education in church history, theology, social ministry, etc.
  - b. Institute of Cultural Affairs, involving a program called "Town Meeting 76" designed to promote citizen involvement in local decision making.
  - c. The Order: Ecumenical, involving an internal program for the staff for such matters as health, pension benefits and insurance.
4. The maximum number of participants in any one course or seminar would be 25.

5. There are 12 parking spaces provided on the lot. It is estimated that any single course or seminar would not generate more than five (5) automobiles. The Zoning Regulations require two spaces for each three teachers and one (1) for each ten (10) classroom seats, or a total of eleven (11) spaces for the building.

6. Meetings are conducted in the evenings and on weekends. Evening meetings will not end later than 10:00 A.M., and weekend meetings will occur approximately once every three months.

7. The existing building is separated from adjoining land uses by a front yard to the north, by steeply sloping terrain to the west, by Otis Street to the south and by a side yard to the east.

8. The Municipal Planning Office, by report dated March 12, 1976, recommended that the application be granted as consistent with the requirements of the Zoning Regulations.

9. There was no opposition to the application.

10. The work of the Institution will be completed by the end of 1976.

CONCLUSIONS OF LAW:

The Board concludes that the property is so located with adequate spaces around the building as not to be objectionable because of noise. The Board concludes that the 48 dwelling units are adequate to contain the projected number of staff and students, and that the limited number of students would not become objectionable to adjoining or nearby property. The Board concludes that ample parking spaces are required, and that there will be no adverse impact on traffic conditions. It is therefore ordered that the application be GRANTED subject to the condition that the approval will last for two (2) years only.

VOTE: 3-0 ( Leonard L. McCants, Martin Klauber, and William F. McIntosh to grant, William S. Harps and Lilla Burt Cummings, Esq., not present, not voting.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By: Steven E. Sher  
STEVEN E. SHER  
Acting Secretary to the Board

FINAL DATE OF ORDER: APR 29 1976

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

Before the Board of Zoning Adjustment, D. C.

Application No. 11862, of the Clerics of Saint Viator, prusuant to Section 8207.2 of the Zoning Regulations for a special exception as provided by Section 3101.42 of the regulations to permit teaching and seminar facilities (religious adult education) at the premise 1212 Otis Street, N. E., in the R-1-B Zone, known as Lot 819, Square 3926.

HEARING DATE: March 31, 1975

DECIDED FROM THE BENCH: March 31, 1975

FINDINGS OF FACT:

The Board takes judicial notice of the fact that the property subject to this application is also affected by Order No. 11000, dated December 12, 1974, which granted to the owner of the property a use variance to permit a convelescent nursing home use at 1212 Otis Street, N. E. This effective order is valid for a period of six (6) months for the purpose of obtaining a Certificate of Occupancy for the approved use. The Board further ~~Notes~~ that during the proceeding of record in case No. 11000 the applicant-religious order established that it was contract vendor to a land sales contract relating to the subject property. This contract is or was contingent upon the variance granted in case No. 11000.

OPINION:

The Board is of the opinion that the subject application is untimely, where another use has been approved and a legal right has been created for a six (6) months period, that it would be unreasonable to hear and decide this special exception, indeed, the Clerics of Saint Viator have proved to the satisfaction of the Board, that the subject property cannot be used for its zoned purpose because of the unique circumstances which causes a hardship to the owner.

ORDERED: That the above application be dismissed for the lack of Jurisdiction.

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VOTE: 5-0

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT, D. C.

ATTESTED BY: James E. Miller

JAMES E. MILLER  
Secretary to the Board

FINAL DATE OF ORDER: APR 10 1975